

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

TIDYMAN'S MANAGEMENT  
SERVICES, INC., a Washington  
corporation; LENORA DAVIS  
BATEMAN, VICKI EARHART, CAROL  
HEALD, THERESA YOUNGQUIST,  
BARBARA GAUSTAD, SHARON  
YOUNG, DIANE MOLES, KYLE  
BAILEY, MARK RADEMAN, DREW  
OLSEN, CHADNEY SAWYER,  
THOMAS NAGRONE, DAN  
NAGRONE, DARRELL NACCARATO,  
PAT DAHMEN, JANELLE SELLS,  
TERRI ORTON, BILL EVANSON,  
TAMMY EVANSON, LARRY  
THOMPSON, JASON GUICE, JAMIE  
GUICE, LAURA SQUIBB, RICK  
BAILLIE, JEFFREY TUCKER, AMY  
TUCKER, MARYBETH WETSCH,  
LAURA STOCKTON, JERRY  
STREETER, CLARA KUHN, NANCY  
MacDONALD, TED NUXOLL, CINDY  
NUXOLL, and DEAN CARLSON,  
individuals,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA; and  
JOHN DOES 1-10,

Defendant.

CV 15-65-M-DLC-JCL

FINDINGS &  
RECOMMENDATION  
AND ORDER

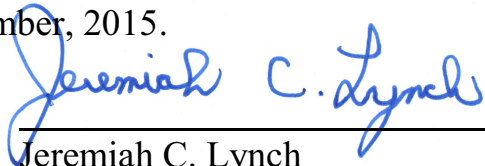
As directed in the Orders issued by the Court on November 5, 2015 (Doc. 37) and December 5, 2015 (Doc. 43), each individual Plaintiff has filed an affidavit stating that he, she, or it will not seek or recover more than \$75,000 in damages in state court with respect to the claims advanced in this action. And as the Plaintiffs were previously advised, if they were individually to seek more than \$75,000 in state court, they would be acting in bad faith within the contemplation of 28 U.S.C. § 1446(c)(1), thereby allowing the Defendant to remove the case beyond the one year limitation set forth in 28 U.S.C. § 1446(c)(1). Accordingly, the Findings & Recommendation dated November 23, 2015 are hereby reinstated.

IT IS RECOMMENDED that Plaintiffs' motion to remand for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447 be GRANTED.

Because TMSI has filed a satisfactory affidavit (Doc. 48),

IT IS ORDERED that Defendant's Motion Regarding TMSI's December 21, 2015, Affidavit is DENIED as moot.

DATED this 22<sup>nd</sup> day of December, 2015.

  
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Jeremiah C. Lynch  
United States Magistrate Judge